

Remarks

The Examiner has rejected claims 1-32 under 35 U.S.C. §103(a) as being unpatentable over Hashimoto, United States Patent No. 4,850,005 (hereinafter "Hashimoto"), in view of Cloutier et al., United States Patent No. 6,535,586 (hereinafter "Cloutier").

Claims 1-32 were originally presented for examination. Claims 1-32 have been cancelled by way of the present Response. New claims 33-84 have been added by way of the present Response. Accordingly, Claims 33-84 are currently pending, of which claims 33, 41, 49, 57, 66 and 75 are in independent form. Support for the new claims is found in the specification at paragraphs [0038] - [0042] which read as follows:

[0038] In another alternative embodiment, which will be described with reference to figures 2 and 5, a message thread can be created between the called party and a caller to enable private communications between the parties. Referring to figure 5, the initial operation of the alternative embodiment is identical to that illustrated in figure 4. Specifically, steps 82-96 of figure 5 are identical and performed in a manner identical to steps 60-74 of figure 4 and will therefore not be discussed in greater detail. Beginning with step 98, the message associated with the code received in step 90 is played to the caller. Once the associated message is played, execution proceeds to step 100, in which the incoming message is stored in a second portion of one of the special OM storage locations 32 in which the received code is stored, thus overwriting any messages previously stored therein.

[0039] If in step 84 it is determined that no special OMs have been recorded or if in step 92 it is determined that the time-out timer has timed out, execution proceeds to step 102, in which the incoming message is recorded in the incoming message storage area 34 of the RAM 16. Once the incoming message is recorded in either step 100 or 102, the call is disconnected in step 104.

[0040] An example of this alternative embodiment will be illustrated with reference to figures 2, 6 and 7. Figure 2 represents the contents of the RAM 16 immediately after initial programming thereof using the method shown and described with reference to figure 3. At this point, it will be assumed that a caller having possession of Code 2 calls the user, inputs the code at the appropriate time and in the appropriate manner, is played the special message associated with Code 2 (Special OM 2), and then leaves a message in response thereto. Figure 6 illustrates the contents of the RAM 16 after the caller has completed his or her message. Specifically, as will be noted by comparing figure 2 with figure 6, the Special OM 2 has been replaced with the caller's incoming message, designated in figure 6 as "IM 2(1)".

[0041] At this point, it will be assumed that another caller, perhaps the user, calls and enter the same code (Code 2) at the appropriate time, at which point IM 2(1), rather than Special OM 2, will be played to the caller in step 100. Assuming further that this subsequent caller also leaves a message, this new incoming message, designated IM 2(2), will be recorded over IM 2(1), as illustrated in figure 7. In this manner, a message thread can be established between two or more parties using TAD 10 illustrated in figure 1.

[0042] It should be noted that it is also possible that, rather than replacing a previous message with a subsequent message, as described and illustrated with reference to figures 5-7, that subsequent messages could be recorded prior or subsequent to previously recorded messages, such that each caller who enters the associated code would be played the entire message thread sequence of messages, either in first-in, first-out, or last-in, first-out order. This feature is illustrated in figure 8 using the above-described example in which two incoming messages, IM 2(1) and IM 2(2), associated with Code 2 are recorded by subsequent callers. Additionally, TAD 10 may enable a caller to skip any of the messages in the associated message thread sequence by, for example, pressing a designated key or keys of the caller's telephone, such that the caller could select the message or messages he or she wishes to review or skip.

Favorable consideration of the present Response as currently constituted is respectfully requested.

Rejection Under 35 U.S.C. §103(a)

Claims 1-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hashimoto in view of Cloutier. Hashimoto describes a telephone answering device ("TAD") that, upon receipt of a incoming call, plays to the caller a general outgoing message that prompts the caller to speak his name. When the caller does so, the caller's voice is transmitted via the telephone line to the TAD. Artificial intelligence within the TAD determines whether the caller's voice pattern is registered with the TAD. If so, a "recognizing code" indicative of a coincidence in voice pattern is read out of a RAM located within the TAD. The "recognizing code" is then used to access a specific message that is played to the caller. The Examiner concedes that Hashimoto fails to disclose receiving on the telephone line a code and has relies on Cloutier for that teaching.

Cloutier describes an enhanced messaging system ("EMS") for enabling remote notification and retrieval of electronic messages, such as faxes, e-mail messages, and voice mail messages. Upon receipt of an electronic message for a particular user, the EMS sends a unique code to the user in a "message alert", which is transmitted using one of any number of delivery services. Remote retrieval of the message by the user is effected using a standard telephone that can produce DTMF codes, thereby acting as an access device over the PSTN. In one embodiment, the user inputs the

unique code provided in the message alert to the EMS by pressing keys on the telephone keypad. The electronic message is retrieved using the unique code and is provided to the user via the telephone handset. In this regard, the EMS provides for translation of messaging formats (e.g., text-to-speech) so that the user can retrieve virtually any type of message.

Claims 1-32 have been cancelled by way of the present Response. Accordingly, the rejection of claims 1-32 is now moot.

#### New Claims

The present invention, as defined by each of independent claims 33, 41 and 49 is directed to a TAD that, upon receipt of an incoming call, plays a general outgoing message to a caller. Subsequently, responsive to receipt on the telephone line of a code, the TAD plays a special message stored in a storage location to the caller via the telephone line. Thereafter, the caller receives the option of adding an incoming message to the storage location or replacing the message stored in the storage location with the incoming message. Neither Hashimoto nor Cloutier, either alone or in combination, teach, suggest or disclose such a TAD that gives the caller such an option. As such, neither Hashimoto nor Cloutier, either alone or in combination, anticipate or make obvious the invention of claims 33, 41 and 49. Accordingly, applicant requests allowance of claims 33, 41 and 49. Claims 34-40, 42-48 and 50-56 depend from and add further limitation to claims

33, 41 and 49, respectively. Accordingly, applicant respectfully requests allowance of claims 34-40, 42-48 and 50-56.

The present invention, as defined by each of independent claims 57, 66 and 75 is directed to a TAD that, upon receipt of an incoming call, plays a general outgoing message to a caller. Subsequently, responsive to receipt on the telephone line of a code, the TAD plays on the telephone line a message thread stored in a storage location. The message thread may be a sequence of messages (claims 61, 70, 79), a sequence of messages wherein at least one message has been replaced (claims 62, 71, 80), a sequence of messages wherein at least one message has been deleted (claims 63, 72, 81), at least two messages (claims 64, 73, 82) or a special outgoing message and at least one incoming message (claims 65, 74, 83). Neither Hashimoto nor Cloutier, either alone or in combination, teach, suggest or disclose such a TAD that plays the caller a message thread. As such, neither Hashimoto nor Cloutier, either alone or in combination, anticipate or make obvious the invention of claims 57, 66 and 75 or the invention of claims 61-65, 70-74 or 79-83, respectively. Accordingly, applicant requests allowance of claims 57, 61-66, 70-75 and 79-83. In addition, claims 58-60, 67-69, 76-78 and 84 depend from and add further limitation to claims 57, 66 and 75, respectively. Accordingly, applicant respectfully requests allowance of claims 58-60, 67-69, 76-78 and 84.

Fee Statement

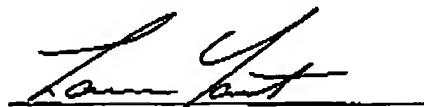
A total of two independent claims and twenty total claims have been added by way of the present Response. Applicant has filed herewith Form PTO-2038 authorizing payment of \$536.00 for the additional claims fee. Applicant believes no additional fees are due for the filing of this Response. If any additional fees are due or overpayment have been made, however, please charge or credit our Deposit Account No. 03-1130.

Conclusion

In view of the forgoing, the Examiner is respectfully requested to allow claims 33-84, presented for consideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 27 day of April, 2004.

Respectfully submitted:



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